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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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PRICE HENEVELD COOPER DEWITT & LITTON, LLP 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501				
EXAMINER				
HWANG, VICTOR KENNY				
ART UNIT		PAPER NUMBER		
3764				

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,750

Applicant(s)

SCHIFF, JON D.

Examiner

Victor K. Hwang

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-23 is/are allowed.
- 6) ☒ Claim(s) 1,7,8,10-13 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 2-6 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20011213.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Claim Objections***

1. Claims 5, 8 and 21 are objected to because of the following informalities:

in claim 5, line 3, each occurrence of "tab" presumably should be changed to

--member--;

in claim 8, line 2, "a handle" presumably should be changed to --the handle--; and

in claim 21, line 2, "the" presumably should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 7, 8 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by *Krull* (US Pat. 6,746,381 B2). *Krull*'381 discloses a weightlifting apparatus 600 (Figs. 35-41) comprising a support frame 610 having side sections 625 and 626 defining a first direction and a handle 620 adapted for grasping and lifting in a second direction different than the first direction. Side sections 625,626 can define a plane with the first direction being in the plane

and the second direction being perpendicular to the plane. A plurality of weights are positioned between the side sections and have edges adjacent the side sections. An interlock mechanism including slide members 650,660 slidably engage and move along the side sections, the slide members configured to selectively engage and disengage the edges of the weights so that when the handle is lifted, selected ones of the weights are secured to the support frame and lifted with the support frame. Fixed weight support plates are attached between the side sections and include the handle extending between the fixed weight plates in a balanced position. Each of the weights has a notch in a side edge (not shown, but similar to weight shown in Fig. 34 with a squared notch to match slide member, col. 7, lines 52-54). The slide members are configured to releasably engage the notches to lock the weights to the support frame. The support frame includes end sections connecting the side section to form a rectangular ring. A base may be provided to support the plurality of weights and shaped to abuttingly engage the support frame in a rest position (col. 9, lines 2-4).

4. Claims 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by *Scaramucci* (US Pat. 6,015,367). *Scaramucci* discloses weight plates (Figs. 2, 3, 4, 5 and 10) including a mid-section defining a lateral direction, opposing edges (edge proximal the carriage 4) and an interlock member 6 slidably engaging the mid-section for movement parallel the lateral direction, the interlock member having a locking end (ends proximal carriage 4) and being movable between a centered position where the locking end is located in an associated edge of the weight plate and an extended position where the locking end protrudes from the associated edge. At least one face surface on the weight plate (top or bottom faces) has a guide 3 formed

therein. The hole 3 is considered a guide formed in the top and/or bottom faces of the weight plate. The interlock members have enlarged sections that fit into notches in the edges of the weights.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Krull* (US Pat. 6,746,381 B2) in view of *Krull* (US Pat. 6,033,350). *Krull*'381 has been discussed above, and such discussion is incorporated herein. *Krull*'381 discloses the invention as claimed except for two of the slide members operably connected together for simultaneous opposite movement.

Krull'350 discloses weightlifting apparatus comprising a pair of slidably movable slide members operably connected together for simultaneous opposite movement for selecting pairs of weight plates to be secured to a central handle assembly. The opposite movement permits weights to be selected from both sides of the handle assembly and the simultaneous movement permits for a balanced number of weight plates to be selected so that the weightlifting apparatus is balanced in during use.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the weightlifting apparatus of *Krull*'381 with slide members

operably connected together for simultaneous opposite movement, in order to select an equal number of weights for balanced operation of the apparatus, as taught by the disclosure of *Krull'350*.

Allowable Subject Matter

7. Claims 2-6 and 9 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 14-23 are allowed over the prior art.

9. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not disclose weightlifting apparatus comprising a support frame having side sections with a plurality of weights positioned between the side sections and an interlock mechanism selectively engaging and disengaging a sliding interlock tab member on the weights to secure the weights to the support frame.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reach (US Pat. 1,053,109), *Schall* (US Pat. 1,645,457), *Hall* (US Pat. 1,779,594), *Cooper* (US Pat. 5,344,375), *Alessandri* (US Pat. 6,174,265 B1) and *Nir* (US Pat. 6,632,161 B1) disclose weight plates reading on the invention of at least claim 24.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (703) 308-2865 until Nov. 2, 2004. After Nov. 2, the new telephone number will be (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (703) 746-4891 until Nov. 3, 2004. After Nov. 3, the new informal fax number will be the same as my telephone number, (571) 272-4976. The facsimile number for submitting all formal correspondence at this time is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on 703-308-2675.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
October 5, 2004



JUSTINE R. YU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

10/14/04